

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

William B. Kelly
Danielle Kelly
Debtor(s)

Bankruptcy Case No.: 17-25056-TPA
Per June 21, 2018 proceeding
Chapter: 13
Docket No.: 35 – 23, 24, 27
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 14, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1857.00 as of July 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☒ B. The length of the Plan is increased to a total of 60 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of the following creditor shall govern as to claim amount, to be paid at the modified plan terms: AmeriCredit (Cln #3) at \$442 per month.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: June 27, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 William B. Kelly
 Danielle Kelly
 Debtors

Case No. 17-25056-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

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 Total Noticed: 34

Date Rcvd: Jun 27, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 29, 2018.

db/jdb
 cr +William B. Kelly, Danielle Kelly, 12260 Roth Drive, Irwin, PA 15642-2977
 +Americredit Financial Services, Inc. Dba GM Financ, P.O Box 183853,
 Arlington, TX 76096-3853
 14763319 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
 (address filed with court: Americredit Financial Services, Inc., Dba GM Financial,
 P.O Box 183853, Arlington, TX 76096)
 14773554 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14747688 +Chase, PO Box 78420, Phoenix, AZ 85062-8420
 14747689 +Chase/Amazon, PO Box 1423, Charlotte, NC 28201-1423
 14747690 +Chestnut Hills Dental, 8775 Norwin Avenue, Suite 100, Irwin, PA 15642-7705
 14747691 +Citi, PO Box 9001037, Louisville, KY 40290-1037
 14747692 Citi, PO Box 90010377, Louisville, KY 40290
 14781810 +Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 14747695 +Dell, PO Box 640, Carol Stream, IL 60132-0640
 14747696 +Discover, PO Box 742655, Cincinnati, OH 45274-2655
 14747697 +Disney Movie Club, PO Box 758, Neenah, WI 54957-0758
 14747698 +GM Financial, PO Box 78143, Phoenix, AZ 85062-8143
 14747699 +Harley Davidson Credit Corp, Dept. 15129, Palatine, IL 60055-0001
 14752033 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013
 14747700 +Home Depot, PO Box 9001010, Louisville, KY 40290-1010
 14772244 +JPMorgan Chase Bank, National Association, Chase Records Center, Attn: Correspondence Mail,
 Mail Code LA4-5555, 700 Kansas Lane, Monroe LA 71203-4774
 14747702 +Kohl's, PO Box 983, Milwaukee, WI 53201-0983
 14747704 Norine Kelly, 18-D Carothers Drive, Monroeville, PA 15146
 14771457 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: U.S. Bank National Association, Bankruptcy Department,
 PO Box 108, St. Louis MO 63166-0108)

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14747686 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 28 2018 02:01:47 Capital One,
 PO Box 71083, Charlotte, NC 28272-1083
 14747693 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 28 2018 01:51:39 Comenity, PO Box 659819,
 San Antonio, TX 78265-9119
 14747694 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 28 2018 01:51:39 Comenity/Victoria's Secret,
 PO Box 659728, San Antonio, TX 78265-9728
 14753962 E-mail/Text: mrdiscen@discover.com Jun 28 2018 01:51:30 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14747701 +E-mail/PDF: gecsed@recoverycorp.com Jun 28 2018 02:01:46 JC Penney/Synchrony Bank,
 PO Box 960090, Orlando, FL 32896-0090
 14781170 E-mail/PDF: resurgentbknofications@resurgent.com Jun 28 2018 02:01:49
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14775366 +E-mail/Text: bankruptydpt@mcmsg.com Jun 28 2018 01:51:59 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 14748946 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 28 2018 02:16:10
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14777864 E-mail/Text: bnc-quantum@quantum3group.com Jun 28 2018 01:51:42
 Quantum3 Group LLC as agent for, JH Portfolio Debt Equities LLC, PO Box 788,
 Kirkland, WA 98083-0788
 14783180 E-mail/Text: bnc-quantum@quantum3group.com Jun 28 2018 01:51:41
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14783179 E-mail/Text: bnc-quantum@quantum3group.com Jun 28 2018 01:51:42
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788
 14777863 E-mail/Text: bnc-quantum@quantum3group.com Jun 28 2018 01:51:42
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14747705 +E-mail/PDF: gecsed@recoverycorp.com Jun 28 2018 02:02:41 Toys-R-Us, PO Box 530938,
 Atlanta, GA 30353-0938

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Harley-Davidson Credit Corp
 cr JPMorgan Chase Bank, National Association
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14791276* ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
 (address filed with court: Americredit Financial Services, Inc., Dba GM Financial,
 P.O Box 183853, Arlington, TX 76096)
 14747687* +Capital One, PO Box 71083, Charlotte, NC 28272-1083
 14747703* +Kohl's, PO Box 983, Milwaukee, WI 53201-0983
 14775367* +Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
 14747706* ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: US Bank, PO Box 790408, Saint Louis, MO 63179)

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User: lmar
Form ID: 149

Page 2 of 2
Total Noticed: 34

Date Rcvd: Jun 27, 2018

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 29, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 27, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Harley-Davidson Credit Corp bkgroup@kmlawgroup.com
Jerome B. Blank on behalf of Creditor JPMorgan Chase Bank, National Association
pawb@fedphe.com
Kenneth M. Steinberg on behalf of Joint Debtor Danielle Kelly
julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com
Kenneth M. Steinberg on behalf of Debtor William B. Kelly julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6